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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,360	05/27/1999	MICHAEL F. GUHEEN	AND1P101	6371

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/321,360	GUHEEN ET AL.
	Examiner	Art Unit	
	Akiba K. Robinson-Boyce	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 6/27/06, the following is a final rejection. Claims 1,

7, 13 and 19 have been amended. Claims 1-19 are pending in this application and

have been examined on the merits. Due to the amendment filed, the previous office

action has been withdrawn and the following rejection reflects the claims as amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being obvious over

Rassman, et al (US Patent 4,937,743), and further in view of Turnbull (US Patent

5,208,765).

As per claims 1, 7, 13, Rassman, et al discloses:

displaying a pictorial representation of an existing system including a plurality of

components, (Col. 2, lines 59-65, [information about available resources in a provided

database is being graphically displayed], Col. 14, lines 13-16, Fig. 7, [shows how

resources 123, 233, 224 {which represent components} are displayed]);

identifying, from the plurality of components, a first component group containing

additional components and a second component group containing optional components,

the additional components being required for an implementation of the system, the

optional components being optional for the implementation for the system, (Col. 8, lines

61-8, lines 8-36, shows primary and secondary resources, which represent first and

second component groups, respectively. Specifically col. 8,lines 15-20 shows that

during the display of primary resources, the display of several pieces of data relating to

secondary resources can be made (secondary pieces of data represent additional

components). Also, specifically, in col. 8, lines 20-36, the implementation of an

application where the display of secondary resources can be employed to make

additional options available, which represent the optional components);

compiling, by the processor...listing of additional components for implementation

into the existing system/...compiles...listing of additional components for

implementation into the existing system, (Col. 3, lines 7-11, [discloses that the resource

information in the database can be updated to have or list the most recent data

{resource information}], w/ col. 2, lines 8-17, shows use of project planners are well

known where sequential scheduling of tasks are implemented);

determining a first set of the additional components for implementation in a first

implementation phase/...determines a first set of the additional components for

implementation in a first implementation phase, (Col. 4, lines 58-65, [resource

information in the primary database], (Col. 8, lines 8-10, [shows primary resource is

planned according to a given block of time {phase} represented by a "cell"]);

determining a second set of additional components for implementation in a

second implementation phase/...determines a second set of additional components for

implementation in a second implementation phase, (Col. 4, line 66-Col. 5, line 8,

[resource information in the secondary database], Col. 8, lines 21-24, [shows secondary

resource is represented by a "cell", which represents a given block of time {phase}]);

modifying, through the display adapter by the processor, the pictorial

representation of the existing system to show a pictorial representation of the first set of

components being indicia coded to indicate that they are to be delivered in the first

phase/...modifies the pictorial representation of the first set of components being indicia

coded to indicate that they are to be delivered in the first phase (Col. 3, lines 10-11,

[displaying resource utilization for the most recent data after data in resource database

is updated], Col. 6, lines 20-22 and lines 25-26, [shows that primary resources {first set

of components} are displayed], Col. 14, lines 12-16 and Fig. 7, where the components

[represented by resources] for the first phase are indicia coded by the vertical

rectangles labeled "Y" One for phase one)

modifying, through the display adapter by the processor, the pictorial

representation of the existing system to show a pictorial representation of the second

set of components being indicia coded in a manner unique with respect to the indicia

coding of the first set of components to indicate that the second set of components is to

be delivered in the second phase/...modifies the pictorial representation of the existing

system to show a pictorial representation of the second set of components being indicia

coded in a manner unique with respect to the indicia coding of the first set of

components to indicate that the second set of components is to be delivered in the

second phase, (Col. 3, lines 10-11, [displaying resource utilization for the most recent

data after data in resource database is updated], Col. 6, lines 20-22, lines 27-36, [shows

secondary resources are displayed], Col. 14, lines 12-16 and Fig. 7, where the

components [represented by resources] for the second phase are indicia coded by the

vertical rectangles labeled "Y" Two for phase two);

and that a proper functioning of the second set of components require an

installation of the first set of components in the first phase, (Col. 11, lines 19-24,

discloses the establishment of predetermined sequences, where it is necessary that one

step be completed before the other).

In this particular claim, computer programs, code segment and logic, and a

processor that executes computer-executable instructions for performing the logic are

inherent with Rassman, et al's system because since he teaches that his method is

carried out in a computer system, computer programs using code segments, logic, and

a processor that executes computer-executable instructions for performing the logic is

absolutely necessary for the computer to successfully process information and produce

results.

The following is also inherent with Rassman, et al since this patent discloses the

"management of a plurality of interrelated and interdependent resources using a

computer system". In Web technology, a web architecture framework consists of a

plurality of interrelated and interdependent computer resources, both hardware and

software:

a system for providing a web architecture framework...

Rassman et al fails to specifically disclose an ordered listing, the ordered listing

providing an order that is required for installing the components in the web architecture

framework, but does disclose the establishment of predetermined sequences, where it

is necessary that one step be completed before the other as shown in col. 11, lines 19-

24.

However, Turnbull discloses:

an ordered listing, the ordered listing providing an order that is required for

installing the components in the web architecture framework, (Col. 4, lines 14-20, shows

that any person desiring to know the status of product development/production can

access the product control matrix 100, which informs the person of requirements that

have been completed, which constitutes as the required requirements that have been

completed for the development of products [which includes installation of components],

also see Fig. 1, which shows an ordered listing of requirements for each stage, w/Col. 8

lines 55-64, shows 10 requirements for the product design stage, where these

requirements must include information about products used for design, for example

Packing Design is listed as one of the requirements, w/ col. 9, lines 3-10, shows that the

requirements are not listed in a chronological or sequential order, but shows that this

listing is obvious since some requirements must be completed before others, therefore,

as requirements are listed as shown in Fig. 1, these requirements may not be in

chronological order, but appear, or are in an order as they are required to be completed

for each stage). Turnbull discloses this limitation in an analogous art for the purpose of

showing that requirements for developing a product [which includes component installation] are performed in a specific order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an ordered listing, where the ordered listing provides an order that is required for installing the components in the web architecture framework with the motivation of having the means to implement the development of products in a specific order.

As per claims 2, 8, 14, Rassman, et al discloses:

wherein a legend is presented which defines the indicia coding...(Col. 7, lines 11-18, Col. 8, lines 5-7 [indicia is being used to define an item]).

As per claims 3, 9, 15, Rassman, et al fails to teach wherein the components of the existing system are selected from the group of components including operation services and developer services. Rassman et al would have utilized operation services and developer services with the motivation of accurately scheduling, monitoring and managing resources of the system.

However Turnbull discloses wherein the components of the existing system are selected from the group of components including operation services and developer services in Col. 2, lines 27-30 in an analogous art for the purpose of properly operating on and developing the product in order to indicate the completion status.

It would have been obvious to one of ordinary skill in the art to select the components of the system from the group of components including operation services and developer services and incorporating these components from Turnbull into

Rassman with the motivation of operating on and developing products so they can be successfully scheduled, monitored and managed.

As per claims 3, 9, 15, the following is inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claims 4, 10, 16 Rassman, et al discloses:

wherein the components of the existing system are selected from the group of components including...customer-related services...(Col. 4, lines 36-42, Col. 5, lines 51-53, [hospital services are customer-related where the patient is the customer]).

As per claims 5, 11, 17, Rassman, et al discloses:

wherein the indicia coding is selected from the group of indicia coding including texture coding, color coding...(Col. 6, lines 11-5).

As per claims 6, 12, 18, Rassman, et al discloses:

wherein the step of displaying a pictorial representation of an existing system including a plurality of components also includes displaying additional components that may be implemented into the system, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated]).

As per claims 6, 12, and 18 , the following is inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claim 19, Rassman et al discloses:

In response to (d), determining remaining components, (Col. 7, lines 55-57, [where it shows that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in "Case abc"]);

Separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly, (Col. 12, lines 19-25, [shows separation of primary and secondary resources by selecting certain resources as the primary and secondary resources])

Including the primary components in the first set of additional components/Including the secondary components in the second set of components, (col. 12, lines 25-31, [shows separation of primary or secondary resources by selecting certain resources as primary/secondary resources, where operating rooms O

represents the primary component, and surgeon S, anesthesiologist, A, etc. represent

the secondary component]).

Response to Arguments

4.   Applicant's arguments in the response filed 6/27/06 have been fully considered

but they are not persuasive.

As per claims 1-19, the applicant argues that as amended, Rassman fails to

suggest the feature of having "additional components being required for an

implementation of the system, the optional components being optional for the

implementation of the system". However, as described above in the rejection, Col. 8,

lines 61-8, lines 8-36, shows primary and secondary resources, which represent first

and second component groups, respectively. Specifically col. 8,lines 15-20 shows that

during the display of primary resources, the display of several pieces of data relating to

secondary resources can be made. In this case, the secondary pieces of data

represent additional components. Also, in col. 8, lines 20-36, the implementation of an

application where the display of secondary resources can be employed to make

additional options available, which represent the optional components.

In addition, applicant argues that prior art fails to disclose an ordered listing of

additional components, the ordered listing providing an order that is required for

installing the component in the web architecture framework. However, the combination

of Rassman and Turnbull disclose this limitation. First, it is shown that Rassman

discloses additional components through several pieces of data relating to secondary

resources as described in the preceding paragraph, that the resource information in the

database can be updated to have or list the most recent data or resource information in

Col. 3, lines 7-11, and also the establishment of predetermined sequences, where it is

necessary that one step be completed before the other as shown in col. 11, lines 19-24.

However, Turnbull modifies this limitation. It is Turnbull that discloses the ordered

listing. Specifically, in Col. 4, lines 14-20, Turnbull shows that any person desiring to

know the status of product development/production can access the product control

matrix 100, which informs the person of requirements that have been completed, which

constitutes as the required requirements that have been completed for the development

of products [which includes installation of components]. Also in Fig. 1, Turnbull shows

an ordered listing of requirements for each stage, and in Col. 8 lines 55-64, Turnbull

shows 10 requirements for the product design stage, where these requirements must

include information about products used for design, for example Packing Design is

listed as one of the requirements. Finally, in col. 9, lines 3-10, Turnbull shows that the

requirements are not listed in a chronological or sequential order, but shows that this

listing is obvious since some requirements must be completed before others, therefore,

as requirements are listed, these requirements may not be in chronological order, but

appear, or are in an order as they are required to be completed for each stage.

Therefore, the combination of Rassman and Turnbull obviously disclose an ordered

listing of additional components.

Applicant also argues that Rassman fails to teach indicia coding to indicate that

resource 223 must be installed in order for resource 224 to function properly, and

consequently fails to suggest the gesture of "modifying, through the display adapter by

the processor, the pictorial representation of the existing system to show a pictorial

representation of the second set of components being indicia coded in a manner unique

with respect to the indicia coding of the first set of components to indicate that the

second set of components is to be delivered in the second phase and that a proper

functioning of the second set of components require an installation of the first set of

components in the first phase". However, Rassman discloses the display of resource

utilization for the most recent data after data in resource database is updated, where the

components [represented by resources] for the second phase are indicia coded by the

vertical rectangles labeled "Y" Two for phase two) as shown in Col. 14, lines 12-16 and

Fig. 7. In this case, different types of indicia such as "scheduling indicia", "status

indicia" and "conflict indicia" can be used for different scenarios as shown in Col. 2, line

67-Col. 3 line 11. In addition, Rassman discloses the establishment of predetermined

sequences, where it is necessary that one step be completed before the other in Col.

11, lines 19-24, which reinforces the installation of the first set of components in the first

phase in order for the second set of components to properly function.

For the reasons stated above, claims 1-19 remain rejected.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within
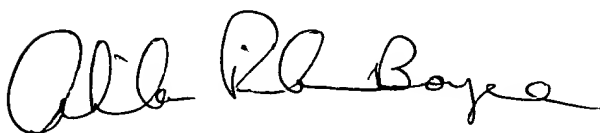
TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.
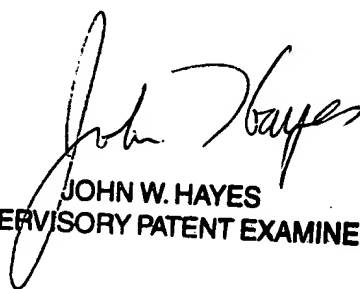
Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
September 7, 2006

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER